

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

WALTER BROCKMANN STUDIOS,	)	
INC. and FRANK P. PARADISE,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. CIV-04-1307-F
	)	
LISA POINSETT and ROBERTA	)	
HAMILTON, jointly and severally,	)	
d/b/a Libby Creations,	)	
	)	
Defendants.	)	

**ORDER**


Before the court is the parties' Joint Motion for Order Directed to the Commissioner of the United States Patent and Trademark Office (docket entry no. 57). The motion was filed on May 2, 2005.

The joint motion requests, without citation of any authority for the court to do so, that the court summarily order the Commissioner of the United States Patent and Trademark Office to take certain actions, without benefit of notice or process of any kind to that executive agency. This the court declines to do in the absence of either (i) citation to legal authority clearly authorizing the court to take such extraordinary action, or (ii) an expression from the Commissioner that the Commissioner does not object to entry of the proposed order.

Accordingly, the scheduling order previously entered in this case is vacated, and all proceedings in this case are stayed for 60 days from the date of this order. During that 60-day period, the parties to this action are at liberty to either file a

supplemental motion with citation of authority clearly reflecting that the court has the authority to enter the proposed order without notice to or other process for the benefit of the Commissioner, or file paperwork clearly reflecting that the Commissioner does not object to entry of the proposed order. Alternatively, should the parties find that the proposed order is not necessary (for example, because the parties have reached an agreement as to the actions *they* will take to clear up any title problems with the trademark), they shall advise the court that the case has been settled and that there is no longer any need for the proposed order. If none of these steps have been accomplished within the 60-day period, the court will enter a new scheduling order with a view to the prompt disposition of this case.

DATED May 5, 2005.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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